

TOWNSHIP OF WEST MILFORD

PLANNING BOARD

Minutes

January 26, 2005

REGULAR MEETING

Chairman, Michael Tfank, called the meeting to order at 7:39 p.m. with the reading of the legal notice.

ROLL CALL

Present: Joseph Elcavage, Edward Orthouse, Douglas Ott, Michael Siesta, Clinton Smith, Leslie Tallaksen. Chairman: Michael Tfank. Board Attorney: Glenn Kienz, Esq. was represented by Bryant Gonzalez, Esq. Planning Director: William Drew, P.P.

Absent: James O'Bryant, Kurt Wagner. Alternates: Matthew DeFede, Steven Castronova. Consulting Engineer: Robert Kirkpatrick, P.E.

PUBLIC PORTION

No one wished to speak.

SITE PLAN WAIVER APPLICATIONS – None

APPLICATIONS

JACK LEVKOVITZ (VILLAGE ON RIDGE-SECTION II)

Amended Final Subdivision #0410-1744C

Block 5201; Lots 16, 19, 20

5303 1

Ridge Road; R-3 Zone

COMPLETE: 11-22-04

DEADLINE: 02-06-05

The application before the Board is a request for amended final major subdivision approval for Section II of the development on the subject property.

The applicant, Jack Levkovitz, was sworn in by the Board Attorney and then testified that he was seeking amended final major subdivision approval in order to complete Section II of the development on the subject property. He indicated that Section II of the development consisted of 57 lots, three (3) of which would be utility lots for Municipal Utilities Authority pump stations and tanks. The other 54 lots he indicated would be used primarily for residential development. The applicant indicated that the Section II final plats have been submitted for review and approval to assure that Section II would meet the zoning requirements and approvals previously granted by the Board in its Resolution memorialized on July 23, 2003. He further noted that to his knowledge the final subdivision plat that he submitted complied with both the prior approval and the local Ordinance.

The applicant submitted and the Board reviewed a final subdivision plat entitled "The Village on Ridge, Section II, Situated in the Township of West Milford, Passaic County, New Jersey" prepared by Boyce L. McGeoch, P.L.S. and P.P. dated July 2004.

In considering this application, the Board also reviewed the report of its Board Planner, William H. Drew, dated December 3, 2004. The Board Planner indicated that the subject property was located on the southeasterly side of Ridge Road, a Township Road, opposite Vreeland Road in the R-3 Zone. He noted that the subject property was provided with public sewer and water service.

The Board Planner indicated that he reviewed the plans prepared by Boyce McGeoch dated July 2004. He noted that the applicant received final approval of 64 residential lots and three (3) utility lots in June of 2003, which action was memorialized on July 23, 2003. He indicated that subsequent to this approval, the applicant chose to split off a section containing

minor subdivision map submitted to the Board dated April 2, 2004 with a last revision date of September 30, 2004. He noted that the subject property was located on Paterson Road and measured approximately 13,000 square feet. He further indicated that on the subject property were located two (2) residential dwelling units, which shared one (1) septic system. He noted that the intent of the application was to subdivide the property in order to create separate lots for each of the residential dwelling units. Along with the subdivision, the applicant would be providing separate septic systems for each residential dwelling unit. The applicant, Robert Schmidt, then indicated that the residential dwelling units on the subject property were used presently as rental properties and that he did not reside in either of the two (2) dwelling units.

In reviewing this application, the Board considered the report of its Board Planner, William H. Drew, dated January 21, 2005. The Board Planner indicated that the subject property was located on the southerly side of Paterson Road, a Township Road, in the LR Residential Zone. The Board Planner noted that the subject property was improved with two (2) single-family dwellings and the purpose of the subdivision appeared to be in order to place each dwelling unit on its own tax lot. He also noted that there were several variances associated with this application and that he had reviewed the minor subdivision plan prepared by Gardner.

The Board Planner then indicated that the dwellings and driveways, which exist on the subject property, were not proposed to be changed as a result of the subdivision application. Instead, the proposed improvements to be made were the installation of a new septic disposal field and a well to be located on proposed Lot 12.02. The Board Planner indicated that one (1) well and two (2) septic tanks shared one (1) disposal field at present on the subject property. As a result of the subdivision, he indicated that the two (2) lots to be created would be served by their own individual well and septic disposal system. The Board Planner further indicated that the existing disposal field that would extend into proposed Lot 12.02 was being abandoned and that this would enable an entire disposal field to be located on proposed Lot 12.01.

The Board Planner indicated in his report that existing Lot 12 measured approximately 13,293 square feet, which made it a nonconforming lot in the LR Zone. As a result of the proposed subdivision, he noted that there would be created two (2) lots one measuring 6,821 square feet and the other measuring 6,472 square feet. Consequently, variances for lot area, lot width, lot depth, side yard setback, maximum lot coverage and maximum building coverage were required.

With respect to lot area, the LR Zone required a minimum 20,000 square feet whereas proposed Lot 12.01 would measure 6,821.51 square feet and proposed Lot 12.02 would measure 6,471.67 square feet. Consequently a variance for lot area was required. With respect to lot frontage, the LR Zone required 120 feet while the applicant was providing 66.68 feet for proposed Lot 12.01 and 67.47 feet for proposed Lot 12.02. Consequently variance relief was required for lot frontage. With respect to lot width, the Board Planner indicated that the LR Zone required a minimum of 120 feet whereas the applicant was providing only 61.23 feet for proposed Lot 12.01 and 59.82 feet for proposed Lot 12.02. Consequently, variance relief for lot width was required. With respect to side yard setback, the LR Zone required 30 feet whereas the applicant was providing only 14.97 feet on proposed Lot 12.01 and 8.04 feet for proposed Lot 12.02. Consequently variance relief was required for side yard setback.

With respect to maximum building coverage percentage, the LR Zone limited this to 10 percent (10%) whereas proposed Lot 12.01 was proposing 16.5 percent (16.5%) and proposed Lot 12.02 was proposing 13.5 percent (13.5%). Consequently variance relief was required for the proposed percentage of building coverage. With respect to maximum accessory building coverage, the LR Zone limited this to 3 percent (3%) whereas the applicant was proposing 3.9 percent (3.9%) for proposed Lot 12.01. Consequently variance relief for the proposed percentage of maximum accessory building coverage was required.

The Board Planner noted that the dimensions provided in the Zoning Analysis on Sheet 1 of 2 of the plans submitted did not correspond to the dimensions provided on the site plan and as such the applicant's engineer needed to correct these discrepancies as a condition of approval.

Mr. Gardner indicated that the applicant would agree to correct the plans as indicated in the Board Planner's report and the applicant would be willing to provide monuments on the subject property to denote the lot line created by the proposed subdivision as a condition of approval.

The applicant further indicated that he would agree to a condition of approval requiring the Health Department to review the septic design proposed for the subject property.

With respect to the variances required by this application, Mr. Gardner indicated that by placing separate septic systems on each lot to be created the issue of who would be responsible for repairing a failed septic system would be clarified. He further indicated that it was a benefit to have separate septic systems on the proposed lots to be created by this application. Mr. Gardner indicated that the benefits of creating separate lots with separate septic systems outweighed the detriments of the variances to be created by this application.

The Board then opened the meeting to the public for comment on the application. With no members of the public present expressing an interest in this application, the Board promptly closed the public comment portion of the hearing.

MOTION made by Joseph Elcavage, seconded by Michael Siesta, to deny the application.

On roll call vote: Yes - Joseph Elcavage,
 No - Edward Orthouse, Douglas Ott, Michael Siesta, Clinton Smith,
 Leslie Tallaksen, Michael Tfank.

MOTION made by Leslie Tallaksen, seconded by Michael Siesta, to approve the application.

On roll call vote: Yes - Edward Orthouse, Douglas Ott, Michael Siesta, Clinton Smith,
 Leslie Tallaksen, Michael Tfank.
 No - Joseph Elcavage.

GEORGE IV AND DIANA CLUFF
Minor Subdivision #0410-1969
Bulk Variance #0430-0685

COMPLETE: 12-20-04
DEADLINE: 04-19-05

Block 7212; Lot 4

7207 19

1665 Union Valley Road & 44 Shadowy Lane; R-2 and LR Zones

Subdivide to create a separate lot for an existing dwelling on Lot 4 and the annexation of a portion of Lot 4 to an adjoining property owner.

The applicants were represented by A. William Sala, Jr., Esq. George Cluff, the applicant, Donald Sheridan, owner of Block 7207; Lot 19 provided testimony.

Mr. Sala advised that the Eden Farms property had been in the Cluff family for many years. He noted that no development was proposed as part of this application. Mr. Sala indicated the application is for minor subdivision approval and bulk variance approval for two developed properties, one of which (Block 7212; Lot 4) is located on the westerly side of Union Valley Road, a County road, in an R-2 residential district. The other subject property (Block 7207; Lot 19) is located on the easterly side of Shadowy Lane, a Township road, and is in the LR zone. Mr. Sala further noted that the applicant proposed to subdivide Block 7212; Lot 4 (known as Eden Farms) to create two lots for the purpose of placing one of the two existing single-family dwellings on its own lot. The farm activity will be conducted on the other newly created lot, which the owner planned to place into the Farmland Preservation Trust program. Secondly, he noted, the applicant proposed to subdivide a small portion of Lot 4 and annex the same to adjacent Lot 19, which is owned by Donald Sheridan. Mr. Sala noted that there have been problems with bike riders coming on that portion of the property and the applicant had concerns regarding potential liability. Annexing a portion of the strip to Mr. Sheridan would effectively eliminate the entrance to the top half of the property. It would also provide Mr. Sheridan direct access to his driveway and make Lot 19 larger and more conforming.

AT&T WIRELESS SERVICES, INC. (APSHAWA)
Resolution No. 2005 - 4
Preliminary & Final Site Plan #0320-0162AB

Block 12501; Lot 26

666 Macopin Road; R-3 Zone

Request for preliminary and final site plan approval to permit the collocation of antennas on an existing telecommunications tower.

APPROVED: Preliminary and final site plan to permit the collocation of antennas on an existing telecommunications tower

MOTION made by Joseph Elcavage, seconded by Michael Siesta, to memorialize the resolution.

On roll call vote: Yes - Joseph Elcavage, Edward Orthouse, Douglas Ott, Michael Siesta, Leslie Tallaksen, Michael Tfank.
 No - None.

AT&T WIRELESS SERVICES, INC. (LAKELAND)
Resolution No. 2005 - 5
Preliminary & Final Site Plan #0420-0163

Block 14605; Lot 2

2727 Route 23; HC Zone

Request for preliminary and final site plan approval to permit the collocation of antennas on an existing telecommunications tower.

APPROVED: Preliminary and final site plan approval to permit the collocation of antennas on an existing telecommunications tower

MOTION made by Leslie Tallaksen, seconded by Douglas Ott, to memorialize the resolution.

On roll call vote: Yes - Joseph Elcavage, Douglas Ott, Michael Siesta, Leslie Tallaksen, Michael Tfank.
 No - Edward Orthouse.

MICHAEL & CHRISTINE VANDER PLOEG
Resolution No. 2005 - 6
Minor Subdivision #0310-1955
Bulk Variance #0330-0628

Block 16006; Lot 1

Grove Street; R-4 Zone

Request for extension of time in which to file deeds.

GRANTED: Three-month extension of time in which to file deeds.

MOTION made by Joseph Elcavage, seconded by Michael Siesta, to memorialize the resolution.

On roll call vote: Yes - Joseph Elcavage, Edward Orthouse, Douglas Ott, Michael Siesta, Leslie Tallaksen, Michael Tfank.
 No - None.

MICHAEL & ROBERT VANDER PLOEG
Resolution No. 2005 - 7
Amended Preliminary Site Plan #9720-0042A
Bulk Variance #0230-0560

Block 16006; Lot 1

16007 4

16008 3

140 Oak Ridge Road; CC/R-4 Zones

Request for time extension.

GRANTED: One-year time extension.

MOTION made by Leslie Tallaksen, seconded by Douglas Ott, to memorialize the resolution.

On roll call vote: Yes - Joseph Elcavage, Edward Orthouse, Douglas Ott, Michael Siesta, Leslie Tallaksen, Michael Tfank.
 No - None.

ORDINANCES FOR INTRODUCTION – None.

ORDINANCES REFERRED FROM COUNCIL

Office Transition Zone - Ordinance introduced and referred to Planning Board for recommendation

<u>Block/Lot</u>	<u>Existing Zone</u>	<u>Proposed Zone</u>
7902/1	RPLS	R-1
7902/2	RPLS	R-1
7902/3	RPLS	R-1
7902/4	RPLS	R-1
7902/5	RPLS	Office Transition
7902/6	RPLS	Office Transition
7902/7	RPLS	Office Transition
7903/1	R-1	Office Transition
7903/4	R-1	Office Transition
7903/5	VC	Office Transition

Planning Director, William Drew, explained that the Council had introduced this ordinance to accomplish several goals. This ordinance will repeal the existing RPLS Zone, amend the Township Zoning Map, establish the Office Transition Zone, and set forth zoning standards. He noted that the ordinance, as introduced, creates an Office Transition Zone consistent with what was originally recommended to the 2003 Township Council by the Planning Board. The Planning Board believes that the proposed OT ordinance will create a transition zone permitting residential use and defined, low intensity professional office uses with appropriate bulk requirements, to attain the buffer between more intensive commercial zones and residential zones. The introduced ordinance is consistent with the Township Master Plan and the Planning Board’s 2003 Re-Examination Report.

MOTION made by Leslie Tallaksen, seconded by Douglas Ott, to recommend to the Municipal Council that the Ordinance, as introduced, be adopted.

On roll call vote: Yes - Joseph Elcavage, Edward Orthouse, Douglas Ott, Michael Siesta, Clinton Smith, Leslie Tallaksen, Michael Tfank.
 No - None.

Proposed Zone Change - Ordinance introduced and referred to Planning Board for recommendation

<u>Block/Lot</u>	<u>Existing Zone</u>	<u>Proposed Zone</u>
6803/1	CC	R-4
6803/4	CC	R-4
6803/11	CC	R-4
6803/12	CC	R-4

William Drew, Planning Director, advised that The Township Council had introduced an ordinance to amend the zoning designation for four properties as identified above from CC Community Commercial to R-4 residential. He noted that the properties fall between Union Valley Road, Warwick Turnpike and White Road, west of the center of Hewitt. The approximate total acreage of the properties under consideration is 16 acres and the properties are all privately owned.

Mr. Drew indicated that High-density residential and commercial development on these lots is not likely possible due to the Highlands Act. He noted that because of the myriad environmental constraints, the possible location where development could take place would

acquisition of the property from the County. Mr. Drew advised that the Historic Preservation Commission was filing a grant to receive funds to hire a professional to prepare the application for State designation. After discussion the Board requested that a memo be sent to the Council requesting they investigate the potential for acquiring the property, that the County Planner be invited to a meeting to answer the Board's questions with regard to the future of the facility.

PLANNING BOARD ATTORNEY'S REPORT

Bryant Gonzalez, Esq. provided a status report on pending litigation. Mr. Elcavage requested the attorney provide the costs involved to date in litigating the suit filed by Martin O'Shea.

MINUTES

MOTION made by Joseph Elcavage, seconded by Leslie Tallaksen, to approve the minutes of the December 8, 2004 regular meeting. On voice vote all were in favor.

COMMUNICATIONS

The following correspondence was received and filed:

County Planning Board reports to the Planning Board regarding the following application:

Bald Eagle Commons, Site Plan, Block 5308; Lot 3, Cahill Cross Road. Approval withheld pending receipt of additional information.

DeMott Post, Minor Subdivision, Block 12106; Lots 2 and 3, 810 Macopin Road. Approval withheld pending receipt of additional information.

Eden Farms, Minor Subdivision, Block 7212; Lots 3 and 4, 1665 Union Valley Road. Approval withheld pending receipt of additional information.

AT&T Wireless (Eastern Propane), Site Plan, Block 16307; Lot 21, 364 Oak Ridge Road. Approval withheld pending receipt of additional information.

Verizon (Macopin Fire Company), site Plan, Block 9301; Lots 5 and 6, 1362 Macopin Road. Application approved.

Notice dated November 28, 2004 advising that Martin Richardsen is applying for a Letter of Interpretation for property located on Lebanon Road, Block 1604; Lot 1.02 West Milford Township and Block 161 Lot 19 in Vernon Township.

Notice dated December 8, 2004 from the New Jersey League of Municipalities regarding pending legislation on Brownfield Redevelopment and Local Control of Traffic Signage.

Memo dated December 21, 2004 to Kenneth Hawkswell requesting his attendance at the January 6, 2005 Planning Board meeting for the purpose of discussing Township policy regarding septic systems and DEP approvals.

Notice dated December 3, 2004 advising that Shoebox Storage LLC is applying for a Letter of Interpretation for property located at 140 Oak Ridge Road, Block 16006; Lot 1 and Block 16005; Lot 16.

Notice dated November 18, 2004 advising that Jack Hopler is applying for a General Permit for property located at 568 Macopin Road, Block 13401; Lot 9.

Notice from the New Jersey League of Municipalities regarding a draft resolution in opposition to a bill to expand local responsibilities under the condo services act.

Notice received November 30, 2004 advising that Ernest Oakes is applying for a Letter of Interpretation for property located on Burnt Meadow Road, Block 6002; Lot 44.03.

Copy of memo dated December 15, 2004 from Kevin J. Byrnes, Township Clerk, to the Mayor and Council enclosing a copy of the County of Passaic Cross-Acceptance III Report – Draft.

Memo dated December 20, 2004 from William Drew, Planning Director, to Richard Kunze, Township Administrator, regarding the Board's recommendations for the Capital Improvement Budget for 2005.

Copy of letter dated November 2, 2004 from William Drew, Planning Director, to Neil D. Muller, Director of Planning, Passaic County, regarding the draft Passaic County Cross-Acceptance Report dated October 2004.

Copy of letter dated December 2, 2004 from Keller & Kirkpatrick, Inc. advising that Passaic County is applying for a Stream Encroachment Permit and Verification of Statewide General Permit No. 10A for the replacement of Union Valley Road Bridge Structure #1600-434 over Green Brook.

Copy of letter dated December 13, 2004 from William Drew, Planning Director, to the Department of Environmental Protection, submitting a grant application for the 2005 Recreational Trails Program.

Copy of letter dated January 7, 2005 from William Drew, Planning Director, to Steve Edmond, Passaic County Engineer, regarding bids for the repair/replacement of the roof of the historic structure, Tichenor House.

Notice dated January 5, 2005 from Donohue engineering advising that the County of Passaic is applying for a Stream Encroachment Permit for the replacement of Clinton Road Structure No. 1600-177 over Mossman's Brook.

ADDENDUM TO AGENDA

COMMUNICATIONS

Memo dated January 24, 2005 from William Drew, Planning Director, to Richard Kunze, Township Administrator, re Planning Board request for Township Health Officer to attend Planning Board meeting. Received and filed.

ADJOURNMENT

Meeting adjourned by unanimous consent at 10:25 p.m.

Respectfully submitted,

Grace R. Davis
Secretary